IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.Rev.Pet.No. 1066 of 2000

CC.215/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, NEDUMANGAD

.....

REVN. PETITIONER:

G. SIVANANDAN, AKHIL NIVAS,
KATTAMBALIL, KARUPOOR MURI
KARUPOOR VILLAGE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.R.JAYAKRISHNAN

RESPONDENTS:
----
1. HUSSAIN (KAPPAD), PAZHAKUTTY JUNCTION,
NEDUMANGAD VILLAGE.

2. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.K.SATHEESH KUMAR
SRI.T.A.UNNIKRISHNAN
R2 BY PUBLIC PROSECUTORMR. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1066 of 2000

DATED THIS THE 19th DAY OF MARCH 2007

ORDER

The revision petitioner is the complainant who had initiated Section 138 proceedings against the accused. The court below convicted the accused and sentenced to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for two months and to pay the fine amount, if realized, to PW1. It is the contention of the revision petitioner that the sentence imposed is totally inadequate. The amount borrowed is Rs.50,000/-. In the circumstances, I find that the sentence imposed is liable to be reconsidered. The court below ought to have directed to pay compensation in tune with the amount borrowed. In the circumstances, the sentence imposed is set aside. The matter is remitted back to the court below to reconsider the sentence imposed and pass appropriate orders. The parties shall appear before the Judicial First Class Magistrate-I, Nedumangad on 19-4-2007. The revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.1066 of 2000

ORDER

19-3-2007